

# DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

## PROPOSED TEXT NOVEMBER 2006

TITLE 13, CALIFORNIA CODE OF REGULATIONS  
DIVISION 2, CHAPTER 6.5, AMEND ARTICLE 9, SECTION 1293

### WHEELCHAIR SCHOOL BUSES (CHP-R-06-17)

*Existing text:* .....Times New Roman 12 point font.  
*Additions:*.....Times New Roman 12 point font with single underline.  
*Deletions:*.....~~Times New Roman 12 point font with strikethrough.~~

## ARTICLE 9. Wheelchair School Buses

### §1293. Wheelchair School Buses.

Provisions of this section shall apply to all school buses transporting pupils in wheelchairs.

(a) **Construction of Body-Basic Provisions.** Notwithstanding other provisions of this subchapter, a school bus body that is constructed, altered, or modified for the purpose of installing and operating equipment approved for loading, unloading, and transporting physically handicapped pupils and pupils in wheelchairs shall comply with this section and Section 1231. This requirement applies only to those portions of a school bus used to transport pupils in wheelchairs. ~~Pupils not seated in wheelchairs shall be provided aisles, passageways and exits that conform to all other provisions of law.~~

(b) **Inspection.** Each school bus that has been certified pursuant to Vehicle Code Section 2807, and is subsequently modified to conform to the provisions of this section, shall not transport pupils until all changes have been inspected and approved by an authorized employee of the department. ~~The vehicle owner shall provide a wheelchair to be used for testing the performance of vehicle equipment.~~

(c) **Modification.** No modification of factory seating, and/or wheelchair securement anchorages shall be permitted on any school bus manufactured on or after January 1, 2004 except as follows:

(1) The modification is done with the written permission of the vehicle or vehicle body manufacturer listed on the federal certification label or data plate. If such permission cannot be obtained, a modification may be made if:

(A) It is done in accordance with plans provided by the seating or wheelchair securement component manufacturer or an independent engineering firm. The component manufacturer or independent engineering firm must provide the motor carrier with a written statement

that the vehicle seating and/or wheelchair securement anchorages, as altered, will conform to the requirements of applicable requirements of Federal Motor Vehicle Safety Standard 217 and 222 in effect at the time of the vehicle's manufacturer date.

(B) The school bus must be reinspected by an authorized department employee before it is used for pupil transportation.

(2) The above requirements do not apply to factory installed variable seating positions where seats are removed or installed to increase or decrease wheelchair occupant capacity or passenger capacity.

**(d) Designated Seating Position.** For the sole purpose of indicating the maximum wheelchair capacity of a school bus, the manufacturer and purchaser shall allow any location intended for securement of an occupied wheelchair to be regarded as four designated seating positions for any bus manufactured on or after January 1, 2004.

~~(e)~~**(e) Entrance Doors.** Entrance doors used by pupils in wheelchairs shall be installed and maintained as follows:

(1) Type 1 school buses equipped with entrance doors that conform with Section 1281 of this subchapter may also be equipped with an additional entrance door which conforms to the provisions of this section. Each door shall be installed by the body manufacturer or with his written approval and statement, or the written statement of an approved independent engineering testing firm, that the installation of the door will not adversely affect the structural integrity of the vehicle.

(2) All such doors shall afford easy manual operation from inside or outside the vehicle in case of emergency and shall be protected from accidental opening, except that a means of opening the door from the inside is not required on doors with wheelchair loading devices obstructing the passageway.

(3) Instructions for the manual operation of the door and wheelchair loading device ~~from outside the vehicle~~ shall be visible within 6-feet of the wheelchair lift attendant and displayed in clear view on the inside of the entrance door or on the wheelchair lift. Instructions may also be displayed on the exterior of the vehicle at the exit.

(4) The door shall provide an opening not less than 24 in. wide. There shall be a soft head cushion at least 1/2 in. thick on the inside of the bus at the lower edge of the top of the door opening.

~~(d)~~**(f) Wheelchair Emergency Exits.** School buses transporting pupils in wheelchairs shall have at least two floor-level doors. One door shall be used for the regular loading and unloading of wheelchairs as described in subsection ~~(e)~~**(e)**. The additional floor-level door shall be an emergency door for the evacuation of pupils in wheelchairs. The additional door shall be equipped and installed at one of the locations specified in Section 1282 for emergency exits. The door shall provide an unobstructed opening not less than 24 in. wide. If a pupil's physical condition prevents that pupil from being readily evacuated through a door 24 in. wide, the door shall be as wide as necessary to permit rapid evacuation of that pupil during an emergency. Type 1 school buses transporting pupils in both wheelchairs and seats shall comply with the requirements of 1282 and 1284 of this subchapter.

(1) Alternate Emergency Exit. Type 2 school buses transporting pupils in wheelchairs and regularly seated pupils may meet the requirement for a left side emergency exit with two emergency windows on the left side providing:

(A) The required rear emergency door is inoperable from the interior due to a retracted wheelchair loading device.

(B) The vehicle is equipped with a right side floor-level emergency door located to the rear of the driver's seat.

(C) The alternate exit consists of not more than two windows each having a minimum opening dimension of 12 in. and a combined total area of at least 564 in. Such exits need be identified and operable only from the bus interior.

(2) Aisles. Aisles on Type 1 and Type 2 school buses transporting wheelchairs shall be provided as follows:

(A) An emergency passageway with a width of not less than ~~9~~ 12 in. shall provide access to each wheelchair station from both the door used to load and unload the wheelchairs and to the floor level emergency exit door required by this section. A wheelwell will not be considered an obstruction for the purposes of this subsection.

~~(B) Notwithstanding subsection (A), an aisle shall be provided as wide as necessary to effect a rapid evacuation of any wheelchair containing a pupil during an emergency and shall provide access to each wheelchair from both the door used to load and unload the wheelchairs and to the floor level emergency exit door required by this section. An aisle is not considered obstructed if the only obstruction is another wheelchair that can be readily removed.~~

~~(e)~~(g) **Wheelchair Loading Devices.** Loading devices for the ingress and egress of pupils in wheelchairs shall be installed, maintained, and operated as follows:

(1) Any installation of a wheelchair loading device that requires modification of the vehicle chassis shall be performed by the chassis manufacturer or with the manufacturer's written approval and statement that the chassis modification will not adversely affect the structural integrity of the vehicle.

(2) No loading device shall be constructed or operated in a manner that requires the driver to leave a pupil unattended on the loading device outside the passenger compartment, nor shall any driver permit a pupil to be unattended on a loading device outside the passenger compartment.

(3) Each ~~hoist or elevator type~~ wheelchair loading device shall be constructed with a positive method of preventing an unbraked wheelchair from rolling off during the lifting operation.

(4) Any loading device stored inside the vehicle shall be secured to the vehicle in a manner that will prevent hazardous movement during normal operation or in the event of an emergency stop, traffic accident, or vehicle overturn.

(5) Any loading device stored inside the vehicle shall be equipped with padding capable of minimizing injury-producing impact forces, and all exposed edges or other hazardous protrusions shall be padded ~~to within 3 in. of the bus floor.~~

(6) The travel surface of all loading devices shall be covered with nonskid material.

~~(f)~~(h) **Securement of Pupils and Wheelchairs.** Passengers shall be secured to wheelchairs by a restraining belt specified in subsection ~~(g)~~ (i) while being loaded, unloaded, and transported. Wheelchairs shall be secured as follows:

(1) Wheelchairs shall be secured with fasteners of sufficient strength to prevent the chairs from rotating, prevent the chair wheels from leaving the floor in case of sudden movement, or support the chairs in the event the vehicle is overturned.

(2) Fasteners shall contact the wheelchair on at least three points and shall be spaced to provide the most effective securement. No ~~fastener~~ anchorage shall be attached to any door. No ~~fastener~~ anchorage shall project more than 1 1/2 in. above the floor in the area between the wheel wells of the vehicle.

(3) Fasteners shall consist of either two webbed belts described in subsection (A) or two all-metal devices described in subsection (B), or one each of such devices, installed in conformance with this subsection.

(A) Webbed safety belts shall meet or exceed federal specifications for Type 2 pelvic restraint seat belts or be certified by the manufacturer to meet or exceed assembly strengths of 5,000 lb in loop fashion or 2,500 lb on each anchorage leg. Certification may be the manufacturer's specifications listed in catalogs or publications. All new construction of webbed fasteners and repairs to webbing shall conform to standards established by the manufacturer of the webbing. Webbed belts attached directly to the vehicle and securement track used for webbed fastener attachments shall be secured to the vehicle at not less than two separate points with bolts, nuts, and lock washers or self-locking nuts. Bolts used shall provide holding strength equal to or greater than that of two bolts 3/8 in. in diameter and of National Fine Thread SAE grade 5. All fastening of webbing and securement tracks shall be in accordance with the manufacturer's specifications provided that no standard established herein may be violated. Where mounting bolts do not pierce the vehicle frame, subframe, body posts, or equivalent metal structure, a reinforcement plate or washer not less than 1/16 in. in thickness and 2 1/2 in. in diameter is required. Smaller diameter washers may be used to install wheelchair securement track provided a minimum of four fasteners and four washers are used for each track installation. These washers shall be not less than 1 1/4 in. in diameter, not less than 1/16 in. in thickness, and have an appropriate inside diameter. In no event shall interior paneling constitute anchorage for a point of securement. When not in use, webbed belts shall be removed or retracted.

(B) All-metal fasteners shall be secured to the vehicle with bolt nuts and lock washers or self-locking nuts of National Fine Thread SAE grade 5 or equivalent. Such devices shall have two points of securement requiring bolts 3/8 in. in diameter or equivalent, or one point of securement requiring a bolt of 1/2 in. in diameter or equivalent. Where mounting bolts do not pierce the vehicle frame, subframe, body post, or equivalent metal structure, a reinforcement plate or washer not less than 1/16 in. in thickness x 2 1/2 in. in diameter is required. In no event shall interior paneling constitute anchorage for a point of securement.

(C) School buses manufactured and maintained in compliance with Federal Motor Vehicle Safety Standards 571.217 and 571.222 shall be deemed in compliance with the wheelchair securement and seating requirements of this section.

**(g)(i) Equipment of Wheelchairs.** Wheelchairs shall be equipped as follows:

(1) Brakes and Restraining Belt. Wheelchairs shall be equipped as follows: and maintained with brakes and a restraining belt properly maintained by the owner of the chair. Electric wheelchairs transported on school buses shall be capable of being locked in gear when placed in a school bus or shall have an independent braking system capable of holding the wheelchair in place. In addition, all school buses manufactured after October 1, 1997 shall have at each wheelchair location, occupant pelvic and torso restraints attached to anchorages required by FMVSS

571.222, S5.4.3. Further, each wheelchair occupant restraint shall comply with the requirements for Type 2 safety belt systems as described in FMVSS 571.209.

(2) Batteries. Batteries used to propel electric wheelchairs transported on school buses shall be both leak resistant and spill resistant or shall be placed in a leak resistant container. Batteries shall be secured to the wheelchair frame in such a manner as to prevent separation in the event of an accident.

Note: Authority cited: Sections 2402, 31401 and 34501, Vehicle Code. Reference: Sections 24011, 31401, 34501 and 34501.1, Vehicle Code.